



JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

ZACHARY KALMBACH
Assistant Corporation Counsel
phone: (212) 356-2322
fax: (212) 356-3509
zkalmbac@law.nyc.gov

January 21, 2020

VIA ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: Christian Brown v. City of New York, et al.
19 Civ. 5347 (KPF)

Your Honor:

I represent defendants the City of New York, Eric Simon Jr., and Sherma Dunbar in the above-referenced action. Defendants write to respectfully request that the Court adjourn the Initial Conference currently scheduled for January 30, 2020. This is defendants' first such request. Defendants have not sought plaintiff's consent to this request as he is currently incarcerated and proceeding *pro se*.

By way of background, on January 7, 2020, the Court scheduled the Initial Conference for January 30, 2020, at 10:00 a.m., and ordered defendants to arrange the conference call with the facility at which plaintiff is incarcerated (ECF No. 27). Defendants immediately forwarded the scheduling order to the Department of Correction ("DOC"). On January 17, 2020, DOC informed the undersigned that plaintiff will not be available for the Initial Conference as currently scheduled, as plaintiff is scheduled to appear at the Bronx Supreme Court on that date.

Accordingly, defendants respectfully request that the Court adjourn the Initial Conference to a later date convenient for the Court. For the Court's convenience, the undersigned is available February 12 and 19-24, 2020, and March 6-20, 2020.

Additionally, defendants write to inform that Court that plaintiff is currently incarcerated at the Otis Bantum Correctional Center. Accordingly, should the Court adjourn the Initial Conference, defendants respectfully request that the Court's scheduling order reflect plaintiff's new address.

Defendants thank the Court for its consideration in this matter.

Respectfully submitted,

/s/ Zachary Kalmbach

Zachary Kalmbach

Assistant Corporation Counsel

Special Federal Litigation Division

cc: **VIA Regular Mail**

Christian Brown

Plaintiff pro se

B&C 8951700706

Otis Bantum Correctional Center

16-00 Hazen Street

East Elmhurst, New York 11370

Application GRANTED. The initial pretrial conference in this matter is hereby ADJOURNED to **March 10, 2020, at 10:00 a.m.** It is furthered ORDERED that at the appointed date and time, the Warden or other official in charge of the Otis Bantum Correctional Center produce prisoner Christian Brown, NYSID: 01597816Y, B&C No. 89510700706, at a suitable location within the Otis Bantum Correctional Center equipped with a telephone, for the purpose of participating by telephone in the conference with the Court and defense counsel in the above referenced matter. If this time and date presents an inconvenience, the Warden or the Warden's designee should promptly inform Chambers by calling (202) 805-0290.

Counsel for defendants must (i) transmit this Order to the Warden forthwith; (ii) contact the Otis Bantum Correctional Center forthwith to arrange the call and to determine the telephone number at which *pro se* plaintiff will be reachable at the above time and date; and (iii) telephone the Court with the *pro se* plaintiff on the line at the time and date of the conference, using the information provided in the Court's prior scheduling order.

Lastly, the Clerk of Court is directed to update the docket to reflect Plaintiff's new address at Otis Bantum Correctional Center.

Dated: January 21, 2020
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE

A copy of this Order was mailed by Chambers to:

Christian Brown

B&C 8951700706

Otis Bantum Correctional Center

16-00 Hazen Street

East Elmhurst, New York 11370